

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 || STATE OF CALIFORNIA, et al.

Case No. 18-cv-01865-RS

11 || Plaintiffs,

18-cv-02279-RS

12 || v.

**[PROPOSED] FINAL JUDGMENT,
ORDER OF VACATUR, AND
PERMANENT INJUNCTION**

16 | CITY OF SAN JOSE, et al..

Plaintiffs.

18 ||

19 WILBUR L. ROSS, et al.,

Defendants.

23 In accordance with the Court's Findings of Fact and Conclusions of Law, dated March 6,
24 2019, and Rule 58(b)(2)(B) of the Federal Rules of Civil Procedure, it is ORDERED,
25 ADJUDGED, and DECREED as follows:

26

FINAL JUDGMENT

Final judgment is entered for Plaintiffs and against Defendants on Plaintiffs' claims arising under the Enumeration Clause and the Fourteenth Amendment (the First Cause of Action in the Complaints in each of No. 18-cv-1865 and No. 18-cv-2279).

Final judgment is entered for Defendants and against Plaintiffs the City of San Jose and Black Alliance for Just Immigration (the “San Jose Plaintiffs”) on the San Jose Plaintiffs’ claim arising under the Apportionment Clause (the Second Cause of Action in the Complaint in No. 18-cv-2279).

Final judgment is entered for Plaintiffs and against Defendants on Plaintiffs' claims arising under the Administrative Procedure Act (the Second Cause of Action in the Complaint in No. 18-cv-1865 and the Third and Fourth Causes of Action in No. 18-cv-2279).

VACATUR AND REMAND

Secretary Ross's March 26, 2018 decision to include the citizenship question on the 2020 Census is VACATED and the matter is REMANDED to the Department of Commerce.

PERMANENT INJUNCTION

In accordance with the above judgment in favor of Plaintiffs on their claims arising under the Administrative Procedure Act, Defendants, including the Secretary of Commerce in his official capacity, the Director of the Census in his official capacity, and any successors to those offices, together with their agents, servants, employees, attorneys, and other persons who are in active concert or participation with the foregoing, *see* Fed. R. Civ. P. 65(d)(2), are PERMANENTLY ENJOINED from including the citizenship question on the 2020 Census unless:

- (1) Defendants establish that direct inquiries regarding citizenship are necessary given the “kind, timeliness, quality and scope of the statistics required” and that administrative records will not suffice, 13 U.S.C. § 6(c);
- (2) Defendants identify new circumstances that necessitate the last minute addition of the citizenship question to the census, *id.* § 141(f)(3); and
- (3) Secretary Ross considers all relevant factors and evidence, and sets forth the actual

1 basis for his decision.

2 In addition, in accordance with the above judgment in favor of Plaintiffs on their claims
3 arising under the Enumeration Clause, Defendants, including the Secretary of Commerce in his
4 official capacity, the Director of the Census in his official capacity, and any successors to those
5 offices, together with their agents, servants, employees, attorneys, and other persons who are in
6 active concert or participation with the foregoing, *see* Fed. R. Civ. P. 65(d)(2), are
7 PERMANENTLY ENJOINED from including the citizenship question on the 2020 Census,
8 regardless of any technical compliance with the Administrative Procedure Act.

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10 **IT IS SO ORDERED.**

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12 Dated: March _____, 2019

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14 RICHARD SEEBORG
15 United States District Judge

16 CASE Nos. 18-cv-01865-RS, 18-cv-02279-RS

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1 REVIEWED AND APPROVED AS TO FORM:

2 Dated: March 12, 2019

3 Respectfully Submitted,

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16 **FILER'S ATTESTATION**
17

18 Pursuant to Civil Local Rule 5-1(i)(3), regarding signatures, I hereby attest that
19 concurrence in the filing of this document has been obtained from all signatories above.

20 Dated: March 12, 2019
21

/s/ R. Matthew Wise
R. MATTHEW WISE
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CERTIFICATE OF SERVICE

Case Name: **State of California, et al. v.
Wilbur L. Ross, et al.**

No. **3:18-cv-01865**

I hereby certify that on March 12, 2019, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**[PROPOSED] FINAL JUDGMENT, ORDER OF VACATUR, AND PERMANENT
INJUNCTION**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 12, 2019, at Sacramento, California.

Tracie L. Campbell

Declarant

/s/ Tracie Campbell

Signature

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